

Message Text

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10

ACTION EUR-25

INFO OCT-01 ADP-00 CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03

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OMB-01 IO-13 RSR-01 /109 W

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R 071711Z AUG 73

FM USMISSION BERLIN

TO AMEMBASSY BONN

INFO SECSTATE WASHDC 2203

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USMISSION NATO

C O N F I D E N T I A L BERLIN 1353

E.O. 11652: GDS

TAGS: PGOV, WB, GE

SUBJECT: SENAT-GDR EXCHANGE OF DOCUMENTS ON LAND EXCHANGES

1. SUMMARY: FINAL EXCHANGES OF DOCUMENTS CONSUMMATING

SENAT-GDR LAND EXCHANGES PURSUANT TO DECEMBER 1971

AGREEMENT AS WELL AS PURCHASE BY SENAT OF POTSDAMER

BAHNHOF TRACT HAVE BEEN HELD UP BY GDR INSISTENCE ON

CEREMONY AT GDR FOREIGN MINISTRY. US

AND FRENCH MISSIONS HAVE URGED SENAT TO MAKE FURTHER

EFFORT TO AVOID TRANSACTING BUSINESS AT MFA, BUT WE WOULD

BE PREPARED TO ACCEDE TO EXCHANGE AT MFA IF THEIR

EFFORT FAILS END SUMMARY.

2. IN JULY 1972 SENAT PROPOSED THAT FINAL EXCHANGE OF LAND-

REGISTER ENTRIES AND OTHER DOCUMENTS REQUIRED FORMALLY TO

SENAT-GDR LAND-EXCHANGE AGREEMENT TAKE PLACE AT GDR FOREIGN

MINISTRY. ALLIES AT TIME INTERPOSED OBJECTION THAT SENAT HAD

SUCCESSFULLY AVOIDED SUCH DIRECT ASSOCIATION WITH MFA IN

REGARD TO SENAT-GDR NEGOTIATIONS AND PROPOSED THAT EXCHANGE

TAKE PLACE AT SLIGHTLY LESS PREJUDICIAL SITE, SUCH AS HAUS

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DER MINISTERIEN, BUT WE WERE PREPARED TO AGREE TO EXCHANGE

AT GDR MFA IF SENAT INSISTED (BERLIN 1696 SEPTEMBER 29, 1972 1702 SEPTEMBER 30, 1972). NO FURTHER ACTION WITH RESPECT TO DOCUMENT EXCHANGE WAS TAKEN AT TIME, AND THERE HAVE BEEN NO ADVERSE REPERCUSSIONS, INASMUCH AS EFFECTIVE CONTROL HAS LONG SINCE BEEN EXERCISED BY NEW POSSESSORS OF LAND IN QUESTION.

3. SEVERAL WEEKS AGO SENAT PROPOSED TO ALLIES THAT DOCUMENTS RELATED TO POTSDAMER BAHNHOF TRACT PURCHASED BY SENAT IN JULY 1972 SIMILARLY BE EXCHANGED AT GDR MFA, AND TOWARDS END OF JULY IT BECAME KNOWN THAT IT WAS INTENDED TO TRANSACT PENDING EXCHANGE OF DOCUMENTS RELATED TO DECEMBER 1971 AGREEMENT AT SAME TIME. OUR REACTION, AS WELL AS THAT OF FRENCH MISSION, WAS THAT SENAT SHOULD MAKE FURTHER EFFORT TO EXCHANGE DOCUMENTS AT POTSDAMER BAHNHOF SITE OR AT PLACE IN EAST BERLIN OTHER THAN MFA (WE ARE INFORMED EXCHANGES CUSTOMARILY TAKE PLACE AT OFFICE OF PREVIOUS OWNER, HENCE EAST BERLIN); BRITISH MISSION HAS GONE ALONG WITH MAJORITY OPINION, ALTHOUGH THEY SEEM PREPARED TO ACCEPT EXCHANGE AT MFA WITHOUT FURTHER DELAY. SENAT, IN ARGUING FOR SIGNING AT MFA, HAS POINTED OUT THAT GROSS ZIETHEN (REFUSE DISPOSAL) LETTERS WERE EXCHANGED AT MFA, AS WELL AS PROTOCOL COVERING OPERATIONS OF RED CROSS SOCIETIES IN RELATION TO VISITS (BERLIN 1073, JULY 4, 1972) AND AGREEMENT ON LUMP-SUM VISA PAYMENTS (BERLIN 1734, OCT 5, 1972). THIS TO BE SURE IS CASE, BUT THIS WAS FIRST NOTICE ALLIES HAD THAT REFUSE AGREEMENT WAS SIGNED IM MFA--SENAT MEMORANDUM ON SIGNING MERELY INDICATED "EAST BERLIN" AS PLACE--AND, IN ANY EVENT, ALLIES DID NOT GIVE APPROVAL FOR ANY OF THE THERRE PRECEDENTS.

4. ABOVE IS REPORTED IN VIEW OF INFORMATION THAT FRENCH RAISED SUBJECT RECENTLY IN BONN GROUP, MUCH TO ANNOYANCE OF BRITISH MISSION, WHICH FELT SUCH MATTERS COULD WELL BE DEALT WITH IN BERLIN. IN CONVERSATION WITH US POLAD AUGUST 1, JUST PRIOR TO DEPARTURE ON VACATION, HEAD OF SENAT CHANCELLERY HERZ SAID THERE WAS NO RUSH TO DECIDE LOCUS OF EXCHANGE NOW, INASMUCH AS NO MAJOR CONSTRUCTION AT POTSDAMER BAHNHOF SITE WOULD TAKE PLACE FOR SOME MONTHS, AND IT WAS AGREED TO DEFER FURTHER DISCUSSION OF MATTER UNTIL HERZ RETURNED AT BEGINNING OF SEPTEMBER. MISSION INTENDS TO CONTINUE
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TO TAKE POSITION THAT IN VIEW OF ITS PAYMENT OF DM 31 MISSION FOR TRACT, SENAT SHOULD MAKE FURTHER EFFORT TO PERSUADE GDR TO ACCEPT SITE OTHER THAN MFA. SHOULD GDR REMAIN ADAMANT, HOWEVER, WE BELIEVE WE SHOULD FALL BACK ON POSITION ACCEPTED LAST YEAR RE SIGNING OF POTSDAMER BAHNHOF AGREEMENT (BERLIN 1280, JULY 19, 1972; BONN 10002, JULY 20, 1972) THAT THIS IS ESSENTIALLY GERMAN DECISION AND POINT OF PRINCIPLE IS NOT SO GREAT AS TO WARRANT FURTHER DEBATE. KLEIN

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